

131896COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

February 26, 2001

**D037316      Hetrick v. Bourdeau**

Pursuant to California Rules of Court, rule 10(c), the appeal filed January 17, 2001, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5(a)).

**D034447      People v. Arreola**

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the imposition of the midterm for count 8 and to forward a certified copy of the amended abstract of judgment to the Department of Corrections. Huffman, Acting P.J.; We Concur: Haller, J, McDonald, J.

**D036453      In re Breonna T., a Juvenile**

The order denying visitation and a bounding study is reversed. The juvenile court is directed to hold a new hearing to make factual findings as to whether it would be detrimental for Jonet to visit Breonna and whether a bonding study is appropriate. Nares, J.; We Concur: Benke, Acting P.J., Haller, J.

**D036495      People v. Gucyski**

The judgment (order granting probation) is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

**D036492      Thieu v. Castro et al./American States Insurance Company, Inc.**

The judgment is affirmed. Kremer, P.J.; We Concur: Haller, J., McDonald, J.

**D034722      People v. Gardner**

The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.

**D036426      Del Cerro Mobile Estates v. Proffer**

The order is affirmed. The matter is remanded to the superior court to determine the amount of attorney fees on appeal recoverable by respondent Proffer. Kremer, P.J.; We Concur: Haller, J., McDonald, J.

**D034042      People v. Jiminez**

Judgment is reversed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

February 27, 2001

**D036306      In re Philip Y. et al., Juveniles**

Cause called on merits. Richard Pfeiffer, Esq. argued for appellant. Julie E. Braden, Esq. argued for minors, Philip and Joshua. Gary Seiser, Deputy County Counsel argued for respondent. Mr. Pfeiffer replied. Mr. Seiser replied. Ms. Braden replied. Cause submitted.

Court adjourned at 10:30 a.m.

**D035119      Triprism, Inc. v. Dellastatious et al.**

The judgment is affirmed. The respondent shall recover costs on appeal. Nares, Acting P. J.; We Concur: McIntyre, J., O'Rourke, J.

**D037425      People v. Hill**

The Appellate Department has denied appellant's request for certification to this court. Appellant does not meet the criteria set out in California Rules of Court, rule 61(a). The appeal is DISMISSED.

**D036483      People v. Sledge**

The superior court is directed to stay sentence on the conviction of making possessing or uttering a fictitious instrument and to forward the corrected abstract of judgment to the Department of Corrections. In all other respects the judgment is affirmed. Work, Acting P.J.; We Concur: Benke, J., O'Rourke, J.

**D036856      Sarkozi v. Andrews**

The judgment is affirmed. Dr. Andrews is awarded costs on appeal. Haller, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

**D032571      People v. Sims**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

**D037333      Moore v. Superior Court of San Diego County/San Diego Electrical Training Trust et al.**

The petition is denied.

**D036503      People v. Molina**

The judgment is affirmed. Work, Acting P.J.; We Concur: Benke, J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

February 28, 2001

**D036164      Conservatorship of the Person of Kelly F.,**

The appeal is dismissed as lacking an appellant objective. McIntyre, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

**D036919      In re Menefield on Habeas Corpus**

The petition is denied.

**D036842      In re Diven S., a Juvenile**

The appeal is dismissed. O'Rourke, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D034678      Ferreira v. Gray, Cary, Ware & Freidenrich et al.**

The judgment is affirmed. Costs are awarded to respondents. CERTIFIED FOR PUBLICATION. McIntyre, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

**D034857      People v. Aiken**

Judgment affirmed. Work, J.; We Concur: Kremer, P.J., Benke, J.

**D036041      In re Menefield on Habeas Corpus**

The petition is denied.

**D036961      People v. Mudge**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D036512      People v. Servin et al.**

Appellants' petition for rehearing is granted.

**D035336      Dupont v. Dupont/County of San Diego**

Because the parties have been requested to provide further clarification of certain matters that may effect the case before this court, the order submitting this case after oral argument on February 15, 2001, is vacated. The case will be resubmitted after the supplemental information is received.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

March 1, 2001

**D036531      Hull v. Hull et al.**

The judgment is affirmed. Robert's motion for sanctions including attorney fees for Billie's assertedly frivolous appeal is denied. Respondents shall have costs on appeal. Kremer, P.J.;  
We Concur: Benke, J., Haller, J.

**D033611      People v. Townley**  
**D036133      In re Townley on Habeas Corpus**

Appeal from a judgment of the Superior Court of San Diego County consolidated with petition for a writ of habeas corpus.

**D033611      People v. Townley**  
**D036133      In re Townley on Habeas Corpus**

Judgment affirmed as modified. Habeas corpus petition denied. O'Rourke, J.;  
We Concur: Kremer, P.J. Huffman, J.

**D036517      People v. Johnson**

The judgment (order revoking probation) is reversed, and the matter remanded to the superior court for a new probation revocation hearing at which, as the law requires, Johnson be accorded his constitutional right of confrontation. Huffman, Acting P.J.; We Concur: Nares, J., Haller, J.

**D036353      In re Abigail R. et al., Juveniles**

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P. J., Nares, J.

**D034843      In re Edward M., a Juvenile**

The judgment is reversed and remanded with instructions to strike the disclosure condition and to declare whether the Vehicle Code section 10851 offenses were felonies or misdemeanors. In all other respects the judgment is affirmed. McDonald, J.; We Concur: Kremer, P. J., Benke, J.

**D034935      People v. Lund**

The judgment is affirmed. Kremer, P.J.; We Concur: Work, J., O'Rourke, J.

**D037085      Fame v. Superior Court of San Diego County/Estrada**

The petition is denied.

**D037449      Hewlett v. Superior Court of San Diego County/Namvar et al.**

The petition is denied.

**D035436      People v. Marzan**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J, O'Rourke, J.

**D036406      People v. Eagleston**

The appeal is dismissed. Work, J.; We Concur: Kremer, P.J., Huffman, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

March 1, 2001 (Continued)

**D037286      Osman v. Mission Plaza Condominiums Homeowners Association**

Pursuant to California Rules of Court, rule 19(c), the appeal filed November 27, 2000, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5(c)).

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

March 2, 2001

**D037067 In re Escobar**

The petition is denied.

**D037457 Keefer v. Superior Court of San Diego County/Keefer**

The petition is denied.

**D035752 People v. Turner**

The order is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

**D036423 Weisenfluh v. Regents of The University of California**

It is ordered that the opinion filed February 1, 2001, is modified. There is no change in the judgment. The petition for rehearing is denied.

**D035158 National City Police Officers' Association v. City of National City**

The trial court's judgment is reversed and remanded for further proceedings consistent with the views expressed herein. Appellant to recover its costs of appeal. Benke, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D036942 In re Robinson on Habeas Corpus**

The petition is denied.

**D037382 East County Physicians Medical Group, Inc. v. Superior Court of San Diego County/Aetna Life and Casualty Insurance**

The petition is denied.

**D037454 Rite Aid Corporation et al. v. Superior Court of San Diego County/  
Steve Albrecht et al.**

The petition is denied.

**D034347 Berlin et al. v. Lawyers Title Insurance Corporation et al.**

The petition for rehearing is denied.

**D033847 People v. Slovik**

The judgment is reversed in part as to the third prior serious felony conviction enhancement. The enhancements on the two stayed prison priors are stricken. The cause is remanded to the trial court to allow the People to exercise an option to retry the prior serious felony allegation in Case No. CR70102. After any subsequent proceeding, the superior court is directed to amend the abstract of judgment and to forward the correct copy of judgment to the Department of Corrections. In all other respects, the judgment is affirmed. Work, Acting P.J.; We Concur: Huffman, J., McDonald, J.